UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	
	X
RICHARD RICHARDSON,	

SUPPLEMENTAL DISCOVERY RESPONSE

Plaintiff,

-against-

07-CIV-7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY LIRR POLICE COMMAND DISTRICT #4; ALL JOHN DOE OFFICERS; JOHN DOE TOUR COMMAND; OFFICER FUENES, TAXID 086729; AND OFFICER SGT. SMITH;

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Defendants.

Defendants, LIRR, MTA/LIRR POLICE DEPARTMENT, MTA POLICE OFFICER FUENTES AND MTA POLICE OFFICER SGT. SMITH, by their attorneys, LEWIS JOHS AVALLONE AVILES, LLP., and pursuant to the directive of Magistrate Judge Dolinger contained in an Order dated January 8, 2008 supplements its previous discovery responses as follows:

1. Plaintiff's November 30, 2007 letter.

This letter requests certain witnesses for trial, some of which may be MTA employees and most are not. With respect to MTA Police Fuentes defendants agree at a mutually convenient time and pursuant to the rules of the United States District Court, Southern District of New York to produce Mr. Fuentes for deposition and/or trial.

Defendants cannot and will not produce all male Latino workers from the delicatessen shop and Hudson Newstands as we do not represent these individuals and have no control to produce them for trial. With regard to the "big tall White guy"

whose name is Fitzpatrick, if in fact, he is an employee of the MTA/LIRR Police

Department he will be produced pursuant to the rules of the United States District Court,

Southern District of New York and/or deposition at a mutually convenient time.

2. Plaintiff's letter dated January 2, 2008.

Defendants have previously replied to the request for videotapes in Penn Station via discovery response dated January 7, 2008 and filed in the Court on that date and mailed to the plaintiff.

Again, all witnesses and/or potential trial witnesses identified who are employees of the MTA Police Department will be produced pursuant to the rules of the United States District Court, Southern District of New York for trial and/or deposition at a mutually convenient time.

Dated: Riverhead, New York January 9, 2008

Yours, etc.,

LEWIS JOHS AVALLONE AVILES, LLP
Attorneys for Defendants
NEW YORK CITY LIRR POLICE COMMAND
DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN
DOE TOUR COMMAND, OFFICER FUENES,
TAX ID 086729, AND OFFICER SGT. SMITH

21 East Second Street

Riverhead, New York 11901

631.369.7600

Edward G. Lukoski (EL-7845)

TO:

Richard Richardson 1416 Brooklyn Avenue Apt. 1A Brooklyn, New York 11210 718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq. Assistant Corporation Counsel Special Federal Litigation Division 100 Church Street New York, New York 10007 STATE OF NEW YORK)

) ss.:

COUNTY OF SUFFOLK)

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.

That on the 9th day of January, 2008, deponent served the within SUPPLEMENTAL DISCOVERY RESPONSE upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Richard Richardson 1416 Brooklyn Avenue Apt. 1A Brooklyn, New York 11210 718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq. **Assistant Corporation Counsel** Special Federal Litigation Division 100 Church Street New York, New York 10007

Sworn to before me this 9TH day of January, 2008.

Lois A. Skula

Notary Public, State of New York Registration No.: 4966255 Qualified in Suffolk County

Commission Expires : May 1, 2010

LEWIS Johs Avallone Aviles, LLP

 	07-CV-762(ARI
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Index No.
UNITED STATES DISTRICT COURT

Year 20

RICHARD RICHARDSON,

Petitioners,

- against -

NEW YORK CITY; NEW YORK CITY LIRR POLICE COMMAND DISTRICT #4; ALL JOHN DOE OFFICERS; JOHN DOE TOUR COMMAND; OFFICER FUENES, TAX ID 086729 AND OFFICE SGT. SMITH,

Respondents.

Supplemental Discovery Response

LEWIS **JOHS**

Lewis Johs Avallone Aviles, LLP

Counsellors at Law

Attorneys for

Office and Post Office Address
21 East Second Street • Riverhead, NY 11901
631.369.7600 • Fax 631.369.7680
FILE #:______

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

 \square NOTICE OF ENTRY

that the within is a (certified) true copy of a

duly entered in the office of the clerk of the within named court on

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□ NOTICE OF SETTLEMENT

that an order

of which the within is a true copy will be presented for

settlement to the HON. of the within named court, at

one of the judges

on

20

at

M.

Yours, etc.

Dated,